

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:06cv476

JOYCE E. PATTERSON, as)	
Administratrix of the Estate)	
of Yolanda Evett Patterson)	
Hemphill,)	
)	
Plaintiff,)	
)	
vs.)	<u>O R D E R</u>
)	
STEVEN BROWN, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court *sua sponte*.

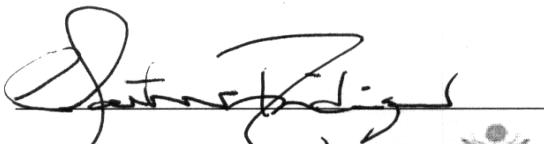
In a Memorandum of Decision and Order entered January 24, 2008, the Court erroneously included the Defendant D. Whitlock, individually and in his official capacity as a City of Gastonia Police Officer, as one of the Defendants who moved to be dismissed from this matter on the grounds of lack of proper service of process. The record reflects that the Defendant Whitlock, along with the other City of Gastonia Defendants, filed an answer on May 25, 2007 and has not filed a motion to dismiss for lack of proper service of process. Therefore, the dismissal without prejudice of Defendant Whitlock was incorrect as a result of a clerical error.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Court's Memorandum of Decision and Order entered January 24, 2008 is hereby **AMENDED** to delete any reference to the dismissal of D. Whitlock, individually and in his official capacity as a City of Gastonia Police Officer. Defendant Whitlock remains a named Defendant in this action, both in his individual and official capacities.

IT IS FURTHER ORDERED that the portion of the Court's Partial Judgment of January 24, 2008 dismissing Defendant Whitlock is hereby **VACATED**. An Amended Partial Judgment will be issued herewith.

IT IS SO ORDERED.

Signed: March 3, 2008



Martin Reidinger
United States District Judge

